

FILED

2009 OCT 28 PM 3:28  
U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

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8 CAL PURE PISTACHIOS, INC. and  
PARAMOUNT FARMS, INC.  
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11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA

13 CAL PURE PISTACHIOS, INC., a  
14 California corporation, and  
15 PARAMOUNT FARMS, INC., a  
Delaware corporation,

16 Plaintiffs,

17 v.

18 PRIMEX FARMS, LLC, a California  
19 limited liability company, ALI AMIN,  
20 JR., an individual, BRAD GLEASON,  
an individual, and DOES 1 through 10,  
inclusive,

21 Defendants.  
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Case No.

**CV09-7874 GW (RCX)**  
**COMPLAINT FOR (1) FALSE  
ADVERTISING UNDER LANHAM  
ACT § 43(A); (2) INTENTIONAL  
INTERFERENCE WITH  
PROSPECTIVE ECONOMIC  
ADVANTAGE; (3) NEGLIGENT  
INTERFERENCE WITH  
PROSPECTIVE ECONOMIC  
ADVANTAGE**

**DEMAND FOR JURY TRIAL**

1 Plaintiffs Paramount Farms, Inc. ("PFI") and Cal Pure Pistachios, Inc. ("Cal  
2 Pure") (collectively, "Plaintiffs") hereby allege as follows:

3 **PARTIES**

4 1. Plaintiff PFI is a Delaware corporation with its principal place of  
5 business in Lost Hills, California.

6 2. Plaintiff Cal Pure is a non-profit cooperative association with its  
7 principal place of business in Los Angeles, California.

8 3. Defendant Primex Farms, LLC ("Primex") is a California limited  
9 liability company with its principal place of business in the County of Los Angeles,  
10 California.

11 4. Defendant Ali Amin, Jr. ("Amin") is, and at all relevant times herein  
12 was, the president and owner of Primex. Amin resides in Los Angeles County,  
13 California.

14 5. Defendant Brad Gleason ("Gleason") is, and at all relevant times herein  
15 was, the Business Development Manager of Primex. On information and belief,  
16 Gleason resides in Fresno County, California.

17 6. Plaintiffs are not aware of the true names and capacities of the  
18 defendants identified herein as Does 1 through 10, inclusive, and therefore  
19 fictitiously name said defendants. Plaintiffs will amend this Complaint to allege the  
20 true names and capacities of these fictitiously named defendants when their  
21 identities are ascertained.

22 7. Primex, Amin and Does 1 through 10 are referred to collectively herein  
23 as "Defendants."

24 **JURISDICTION AND VENUE**

25 8. This action arises under 15 U.S.C. § 1125(a) and the laws of the State  
26 of California. This Court has subject matter jurisdiction over this action pursuant to  
27 28 U.S.C. § 1331 (federal question), 15 U.S.C. § 1121 (Lanham Act claims) and 28  
28 U.S.C. § 1367 (supplemental jurisdiction).

1           9.     Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)  
2 because a substantial part of the events or omissions giving rise to the claims  
3 occurred in this District. In addition, Primex's principal place of business is located  
4 in this District.

5                   **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

6           10.    This is an action seeking relief from false advertising and intentional  
7 and negligent interference with prospective economic advantage. These claims are  
8 based on Defendants' unlawful and intentional deception of pistachio growers  
9 throughout California's San Joaquin Valley, which has resulted in a loss of business  
10 and substantial damages to Plaintiffs, who are direct competitors of Defendants.  
11 Specifically, Defendants falsely report the weight of the pistachio nuts they process  
12 for growers to cheat the growers out of the true value of their pistachios, resulting in  
13 harm to Plaintiffs. This action seeks monetary and equitable relief.

14  
15           **I.     THE PARTIES ARE COMPETITORS IN THE SAN JOAQUIN**  
16                   **VALLEY'S NUT PROCESSING INDUSTRY.**

17           11.    Defendants are processors of pistachio nuts. They provide pistachio  
18 processing services to pistachio growers.

19           12.    Specifically, a grower will harvest its pistachios and deposit the nuts in  
20 trailers provided by Defendants at the growers' orchards. Defendants then arrange  
21 for the transportation of the pistachios to Defendants' processing facilities. At all  
22 times, Defendants control the transportation and delivery of the grower's pistachios.

23           13.    When a trailer arrives at Defendants' processing facility, Defendants  
24 will weigh the trailer with the harvested pistachios in the trailer using specialized  
25 weight equipment. Defendants then determine a so-called "Gross Green weight" for  
26 the pistachios. The Gross Green weight is the total weight of the entire trailer and  
27 its contents, less the weight of the trailer itself.

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1        14. Defendants then process the nuts and pay the grower an agreed price  
2 based on numerous factors following the processing of the nuts.

3        15. Plaintiffs and Defendants are direct competitors in that they compete  
4 for the business of pistachio growers in the San Joaquin Valley. For instance, in the  
5 2009 crop year, one grower delivered 21 loads of pistachios to Plaintiffs for sale,  
6 and 15 loads to Defendants. In the same crop year, another grower delivered 21  
7 loads of pistachios to Plaintiffs for sale and 10 loads to Defendants. For the 2003,  
8 2004, 2005 and 2006 crop years, a grower called Chaparral Farms, Inc.  
9 (“Chaparral”) delivered a total of 532 loads of pistachios for sale to Defendants. For  
10 the 2007 and 2008 crop years, Chaparral delivered a total of 323 loads of pistachios  
11 for sale to Plaintiffs. Plaintiffs and Defendants compete for pistachios from  
12 numerous other growers as well.

13 **II. DEFENDANTS ENGAGE IN FALSE ADVERTISING OF THEIR**  
14 **SERVICES.**

15        16. On information and belief, Defendants circulate various promotional  
16 materials to attract growers to do business with Defendants. These promotional  
17 materials include regular newsletters containing pricing information that are  
18 circulated to both potential growers and growers currently doing business with  
19 Defendants, including growers doing business with Plaintiffs. Defendants also  
20 engage in direct marketing via telephone calls and in-person meetings with agents of  
21 local growers.

22        17. On information and belief, in their promotional materials and direct  
23 marketing, Defendants represent that they will pay specified rates per pound for  
24 pistachios that they process and further represent that they will accurately weigh all  
25 truckloads of pistachios brought to their facilities.

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